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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,061	10/12/2000	Frank P. Derks	PHN 17, 686	8500
24737	7590	01/08/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LAM, DANIEL K	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2667	
DATE MAILED: 01/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/689,061	DERKS ET AL.	
	Examiner	Art Unit	
	Daniel K Lam	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2000.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - The abstract should be in a single paragraph instead of two paragraphs. See MPEP § 608.01(b).
 - On page 2, line 23, “An attendant advantage is” should be “An added advantage is” instead.
 - Section headings should be inserted before each section. For example, on page 1, “BACKGROUND OF THE INVENTION” should be inserted before line 1. On page 3, “BRIEF DESCRIPTION OF THE DRAWINGS”, should be inserted in line 30.

Corrections are required.

Claim Objections

2. Claim 9 is objected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is missing subject matter which applicant regards as his invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 7, 8, 9, and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by U. S. Pat. No. 5,550,593 issued to Nakabayashi.

Regarding claims 1, 7, 8, 9, and 15, Nakabayashi discloses a communications system and a method comprising

- A first communication station arranged for multiplexing original data packets coming from one or more original data streams in a combined data packet in a combined data stream and for transmitting the combined data stream, and means for transmitting the combined data stream from the first communication station to the second communication station through a channel (claim 1, 7, and 15). See fig. 6 reference 59 and col. 7, lines 9 to 19.
- A second communication station arranged for receiving the combined data stream and demultiplexing the original data packets in the combined data packet (claims 1, 8, and 15). See fig. 6 reference 62 and col. 7, lines 20 to 24.
- Characterized in that the combined data packet includes a header field which is arranged for indicating the presence of data packets of the original data streams in the combined data packet (claims 1, 7, 8, and 15). See fig. 8 references 81 to 82, and col. 8, lines 24 to 31.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Pat. No. 5,550,593 issued to Nakabayashi in view of RFC 1661 written by Simpson et al.

Regarding claims 2 and 10, Nakabayashi discloses limitation regarding claims 1 and 7 in the previous paragraph, however, he does not disclose the communication system comprises means for transmitting through a further channel from the first to the second communication station information about the structure of the combined data packets in the combined data stream.

However, Simpson et al. discloses link control protocol for exchanging encapsulation format and configuration parameters information between a first and a second communications stations (see page ii, section 1, Introduction, Link Control Protocol, lines 1 to 9).

Therefore, it would have been obvious to those having ordinary skill in the art to design a communication system that can exchange encapsulation protocol format and configuration parameters automatically between the communication stations so that no operator intervention is needed as taught by Simpson et al. (See page 1, Configuration, lines 2 to 5).

7. Claims 3, 4, 6, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Pat. No. 5,550,593 issued to Nakabayashi in view of RFC 1889 written by Schulzrinne et al.

Regarding claims 3, 4, 11 and 12, Nakabayashi discloses limitation regarding claims 1 and 7 in the previous paragraph; however, he does not disclose the original data streams are RTP data streams nor the combined data stream is an RTP data stream.

Schulzrinne et al. discloses the usage of RTP for the original and combined data streams. See page 2, section 1, Introduction, first paragraph, lines 7 to 9, and page 50, section 10, RTP over Network and Transport Protocols.

Therefore, it would have been obvious to those having ordinary skill in the art to use the RTP protocol for transporting the original and combined data streams for couple of reasons. Firstly, RTP provides end-to-end delivery services for data with real-time characteristics, such as interactive audio and video as taught by Schulzrinne. Secondly, it includes many excellent transport features, such as, sequence numbering, time stamping, and delivery monitoring, as taught by Schulzrinne et al. See page 2, section 1, Introduction, first paragraph, lines 1 to 5.

Regarding claims 5 and 13, Schulzrinne et al. further discloses a bit from the header field is arranged for next header field. See page 10, extension (X): 1 bit, and page 13, section 5.3.1, RTP Header Extension, first paragraph, lines 1 to 4.

Regarding claims 6 and 14, Schulzrinne et al. further discloses that the information about the structure of the combined data packets contains a time indication for the original data stream. See RTP timestamp field on page 22, section 6.3.1, SR: Sender report RTCP packet.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K. Lam whose telephone number is (703) 305-8605. The examiner can normally be reached on Monday-Friday from 8:30 AM to 4:30 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

DKL
January 2, 2004

Chau T. Nguyen
CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600